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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-187473

DATE: October 4, 1976

MATTER OF: University Constructors, Inc.

DIGEST:

Protest against cancellation of solicitation filed more than 10 days after protester received notice of either grounds for protest or initial adverse agency action is untimely and will not be considered.

By letter dated September 15, 1976, University Constructors, Inc. (University) protested to this Office the cancellation of invitation for bids (IFB) No. DACA63-76-B-0074 by the Corps of Engineers, Fort Worth District, Department of the Army (Army).

The record shows that by letter of July 15, 1976, the Army informed University that award under the above-mentioned IFB would not be made and that "the invitation is cancelled and all bids are rejected." University objected to this action by letter to the Army dated August 6, 1976. The Army responded by letter dated August 18, 1976 (received by University on August 19, 1976), indicating in greater detail the reasons for the IFB cancellation. University then filed its protest here.

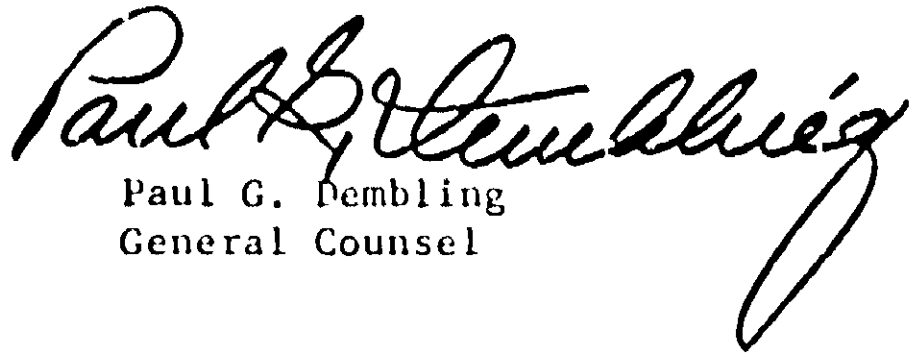
Section 20.2 of our Bid Protest Procedures, 4 C.F.R. § 20.2 (1976), states in pertinent part:

"(a) If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of * * * initial adverse agency action will be considered provided the initial protest to the agency was filed in accordance with the time limits prescribed in paragraph (b) * * *.

"(b) * * * bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier. * * * any protest received in the General Accounting Office after the time limits prescribed in this section shall not be considered * * *."

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University did not respond to the notice of cancellation until more than 10 working days after receipt of the Army's notification letter. Furthermore, University did not file a protest with this Office within 10 working days of its receipt of the Army's letter of August 18, 1976. Accordingly, the protest was not filed in a timely fashion. Therefore, the protest must be dismissed as untimely.


Paul G. Dembling
General Counsel